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OTHER HUMAN RIGHTS ISSUES:
OTHER ISSUES

Written statement* submitted by the National Organization of Circumcision Information
Resource Centers (NOCIRC), a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[13 June 2002]

*This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).



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Male Circumcision

1. The National Organization of Circumcision Information Resource Centers (NOCIRC) congratulates the Sub-Commission on its excellent work relating to traditional practices affecting the health of women and the girl child. NOCIRC notes with satisfaction the excellent reports prepared by Special Rapporteur Mrs. Halima Embarek Warzazi regarding traditional practices affecting the health of women and the girl child. NOCIRC commends in particular the excellent work done by Mrs. Warzazi on the issue of female genital mutilation.

2. NOCIRC notes that Mrs. Warzazi's mandate originally encompassed traditional practices affecting the health of women and children but that more recently her mandate has apparently been redefined to focus exclusively on traditional practices affecting the health of women and the girl child, thus excluding traditional practices which may affect the health of the boy child. Male circumcision has apparently never been studied as a human rights issue by the Sub-Commission. In all places where female genital mutilation occurs, male circumcision also occurs. Thus elimination of one practice may go hand-in-hand with elimination of the other.

3. Article 13 of the United Nations Charter, as well as Article 2 of the International Covenant on Civil and Political Rights and Article 2 of the Convention on the Rights of the Child bar discrimination on the basis of sex. Article 7 of the Universal Declaration of Human Rights provides, "All are equal before the law and are entitled without any discrimination to equal protection of the law." Ms. Gay J. McDougall, as the Sub-Commission's Special Rapporteur on Systematic Rape, Sexual Slavery and Slavery-like Practices During Armed Conflict, stated:

That international humanitarian law, insofar as it provides protection against rape and other sexual assaults, is applicable to men as well as women is beyond any doubt as the international human right not to be discriminated against (in this case on the basis of sex) does not allow derogation. 1/

Males may not be discriminated against in the application of human rights principles. United Nations experts have acknowledged that at least under certain circumstances male circumcision constitutes a human rights violation. 2/

4. The Parliament of Sweden voted decisively, 249 to 10, in favor of Law 2001:499, new legislation effective October 1, 2001 which regulates male circumcision and in the preliminaries also ordered a study to determine what effect the new law will have and whether male circumcision should be considered a human rights violation. Many Swedish Members of Parliament stated that male circumcision violates children's rights. The 10 dissenters in the Swedish vote objected only because they supported total criminalization, rather than mere regulation, of non-therapeutic circumcision of male children.

5. Male circumcision has been stated to be a human rights violation by legislators, non-governmental organizations, and scholars. Germany awarded political asylum to a Turkish man based on his fear of enforced circumcision: "There may be ... no doubt that a circumcision which has taken place against the will of the person affected shows ... a violation of his physical and psychological integrity which is of significance to asylum."

6. Numerous researchers have comprehensively documented the broad range of physical and psychological harm caused by male circumcision, including infant pain response, serious harm to infant neurological development and memory capability, the damage caused by memories of the

procedure, the damage caused to self-esteem and body image, post-traumatic stress disorder, permanent impacts on sexuality, and death. Reports of death during initiations in the developing world have been appearing frequently in major press outlets. On August 6, 2001, for example, the New York Times ran a story mentioning that at least 35 boys have died already this year in South Africa, and ten percent or more of initiates are left with no penis or just disfigured stumps.

7. NOCIRC notes that male circumcision is a very pervasive practice throughout both the developed and developing worlds. An estimated 13.3 million male children and babies are forced to undergo male circumcision without medical indication each year. As a numerical frame of reference, 2 million females undergo some form of female genital mutilation annually. In the developed world, the procedure is typically carried out at infancy, while in the developing world it occurs any time between infancy and early adulthood depending on various factors.

8. The fact that a newborn baby can suffer pain has been conclusively proven. The harm that male circumcision causes to babies by the severe levels of pain has been repeatedly documented. The level of response to the pain and stress of the procedure exceeds the response to blood sampling or injections and is not significantly reduced even by application of an anesthetic. Male circumcision harms women by impairing infant-mother bonding and breastfeeding.

9. Non-therapeutic male circumcision does not have any significant medical benefits justifying its routine performance upon a child. Every national medical association in the world which has considered the issue has refused to endorse routine male circumcision. Respected opponents of female genital mutilation have also questioned male circumcision and have pointed out analogies between the two practices and between false beliefs surrounding and justifying the perpetuation of the two practices. Recent research demonstrates that the average male circumcision in the developed world removes over 50% of all surface genital tissue and also a highly significant number of specialized neural end organs including extremely specialized tissue unique to that part of the body and fundamental to human sexual response. Research documents the long-term harm which many men experience as a result of male circumcision.

10. Research suggests that male circumcision causes behavioral changes and that some reported gender differences may actually be a result of male circumcision.

11. Complications in the developed world occur with a frequency of between 2-5% or more depending on the definition applied. A significant number of deaths occur each year. One study of male circumcision in the developing world found that 9% of the boys died, 52% lost all or most of their penile shaft skin, 14% developed severe infectious lesions; 10% lost their glans penis, and 5% lost their entire penis. This represents only those boys who completed travel to the hospital. The true complication rate is likely to be higher.

12. While supporting Mrs. Warzazi's admirable work on traditional practices specifically affecting women and the girl-child, NOCIRC respectfully requests that the Sub-Commission also focus attention on traditional practices which specifically affect the male child such as male circumcision. NOCIRC notes that the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, and other relevant treaties are applicable both to males and females, and that discrimination against either gender in their application is forbidden.

13. Legislation or human rights provisions which protect against female genital mutilation and not male circumcision violate the human rights of the boy child. Ample evidence proves the serious harm caused by male circumcision. Logically, any difference in severity between female genital

mutilation and male circumcision, even if proven, does not justify the neglect of the latter practice.

14. Any alteration of children's genitals performed without absolute medical indication violates human rights. Male circumcision violates the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and other documents. Relevant rights include the rights to security of the person, to the highest attainable standard of health, and to protection from "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse." Article 24.3 of the Convention on the Rights of the Child calls on states to "take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children," terminology which—as human rights scholars such as Jacqueline Smith have commented—is fully applicable to male circumcision.

Conclusions

15. Male circumcision causes permanent and severe harm and violates human rights.

16. NOCIRC asks that the mandate of the Special Rapporteur on Traditional Practices Affecting the Health of Women and the Girl Child be revised to again encompass traditional practices affecting the health of women and children.

17. NOCIRC asks that the Sub-Commission undertake a study of male circumcision as a human rights violation.

Notes

¹/ Contemporary forms of slavery: systematic rape, sexual slavery and slavery-like practices during armed conflict: final report submitted by Ms. Gay J. McDougall, Special Rapporteur (E/CN.4/Sub.2/1998/13, para. 24).

²/ United Nations Security Council. Commission of Experts' Final Report [on the Former Yugoslavia] (S/1994/674, part IV, section F).
